

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE RUMUALDO-GALLARDO,

Defendant.

8:22-CR-176

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the United States of America's Motion for Preliminary Order of Forfeiture, [Filing 63](#), regarding \$2,427.00 in United States currency. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. Defendant Jose Rumualdo-Gallardo entered into a Plea Agreement pleading guilty to Counts I and VI of the Indictment and admitted the Forfeiture Allegation of the Indictment. [Filing 61](#).
2. Count I charged defendant with distribution and possession with intent to distribute methamphetamine, in violation of [21 U.S.C. §§ 841](#) and 846 and Count VI charged defendant with possession a firearm in furtherance of drug trafficking crime, in violation of [18 U.S.C. § 924\(c\)\(1\)\(A\)](#).
3. The Forfeiture Allegation alleged Defendant used the \$2,427.00 in United States currency to facilitate the offense and/or that the currency was derived from proceeds obtained directly or indirectly as a result of the commission of the offense.

3. By virtue of said plea of guilty, Defendant has forfeited his interest in the subject currency. Accordingly, the United States should be entitled to possession of said currency pursuant to 21 U.S.C. § 853.

6. The Motion for Preliminary Order of Forfeiture should be granted. Accordingly,

IT IS ORDERED:

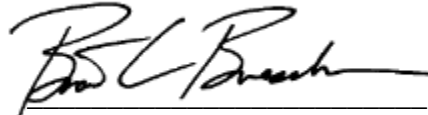
1. The Motion for Preliminary Order of Forfeiture is, [Filing 63](#), granted.
2. Based upon the Forfeiture Allegation of the Indictment and the plea, the United States is hereby authorized to seize the \$2,427.00 in United States currency.
3. Defendant's interest in the \$2,427.00 in United States currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The United States shall hold the currency in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency.
6. Pursuant to [21 U.S.C. § 853\(n\)\(2\)](#), such notice shall provide that any person, other than the defendant, having or claiming a legal interest in any of the property must file a petition with this Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.

7. Pursuant to 21 U.S.C. § 853(n)(3), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 31st day of March, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge